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EXAMINER

DINH, KHANH Q

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

06/643,580

Applicant(s)

SIMMONS, GEORGE H.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21-24, 27-44, 47-50, 53 and 54 is/are rejected.
- 7) ☒ Claim(s) 19, 20, 25, 26, 45, 46, 51 and 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-54 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-18, 21-24, 27-44, 47-50, 53 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz US pat. No.6,406,036.

As to claim 1, Herz discloses a method comprising:

determining a common neighborhood of users sharing a common activity from a plurality of users (using proxy servers to create target profile interest for each user from a plurality of users, see fig.2, abstract, col.5 line 8 to col.6 line 62, col.45 line 62 to col.46 line 65 and col.47

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lines 31-67) and predicting for a user in the common neighborhood of users a potential activity from the activities of at least one other user in the common neighborhood of users (see also fig.5, col.51 line 4 to col.52 line 65 and col.57 line 7 to col.58 line 54).

As to claims 2 and 3, Herz discloses pre-fetching data associated with the potential activity for the user and recommending an activity to a user that is an activity of a common neighbor of the user (see col.41 line 17 to col.42 line 59 and col.58 line 25 to col.59 line 60).

As to claims 4-5, Herz discloses that the users are associated with internet subscribers and the activities are associated with visits to internet websites and pre-fetching an internet website for the internet subscriber that a common neighbor of the internet subscriber has previously visited, wherein the pre-fetching pre-fetches the information associated with the internet website (World Wide Web pages of interest) into a cache accessible by an internet service provider of the user (see col.41 line 17 to col.42 line 59, col.57 line 8 to col.58 line 54 and col.60 lines 13-61).

As to claims 6 and 7, Herz discloses recommending an Internet website to an Internet subscriber that a common neighbor of the Internet subscriber has previously visited and recommending a business service corresponding to an Internet web site visited by a common neighbor of the Internet subscriber (see col.41 line 17 to col.42 line 59, col.57 line 8 to col.58 line 54 and col.60 lines 13-61).

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As to claims 8 and 9, Herz discloses that the users are associated with phone service subscribers and the activities are associated with phone calls (Internet Phone) and recommended to the user a phone service subscribed to by a common neighbor of the user (see col.74 line 12 to col.75 line 55 and col.77 line 3 to col.78 line 57).

As to claim 10, Herz discloses the phone service is selected from the group consisting of a long-distance calling plan, a local-area calling plan, a cellular calling plan, voice mail, call waiting, call forwarding, internet service, a pager calling plan, call waiting plan and caller ID plan (see col.74 line 12 to col.75 line 55 and col.77 line 3 to col.78 line 57).

As to claim 11, Herz discloses recommending a business service to the user based on at least one phone call placed by a common neighbor of the user to a phone number associated with the business service and providing the user the phone number of the recommended business service (see col.74 line 12 to col.75 line 55 and col.77 line 3 to col.78 line 57).

As to claims 13 and 14, Herz discloses providing to a business service called by one user of the common neighborhood of users contact information associated with another user of the common neighborhood of users and associated with customers and the activities are associated with a plurality of goods or services consumed by the customers (see col.18 line 27 to col.19 line 41 and col.30 line 40 to col.32 line 18).

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As to claims 15 and 16, Herz discloses the common neighborhood of users defines a market segment (using Rapid Profiling to construct profiles of target objects) and monitoring the communications of a common neighbor of the user; and recommending a business service to the user based on the communications of a common neighbor (see col.26 line 57 to ocl.27 line 55 and col.30 line 40 to col.32 line 18).

As to claims 17 and 18, Herz discloses monitoring the activities of the users, storing the information corresponding to the activities in a memory medium and updating the information corresponding to the activities in the memory medium (see col.26 line 57 to ocl.27 line 55 and col.30 line 40 to col.32 line 18).

As to claims 21 and 27, Herz discloses a method comprising:

determining a common neighborhood of documents sharing at least one common reference and predicting for a document of the common neighborhood of documents (using proxy servers to create target profile interest for each user from a plurality of users, see fig.2, abstract, col.5 line 8 to col.6 line 62, col.45 line 62 to col.46 line 65 and col.47 lines 31-67), a potential reference/activity from the references/activities of at least one other document in the common neighborhood of documents (see also fig.5, col.51 line 4 to col.52 line 65 and col.57 line 7 to ocl.58 line 54).

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As to claims 22-24, Herz discloses the documents are technical articles, citations to other documents and terms contained in other documents (see col.41 line 17 to col.42 line 59 and col.58 line 25 to col.59 line 60).

As to claims 28-30, Herz discloses pre-fetching data associated with the potential activity for the user, recommending an activity to a user that is an activity of a common neighbor of the user and associated with internet subscribers and the activities are associated with visits to internet websites (see col.41 line 17 to col.42 line 59, col.57 line 8 to col.58 line 54 and col.60 lines 13-61).

As to claims 31, Herz discloses pre-fetching an Internet website for the Internet subscriber that a common neighbor of the Internet subscriber has previously visited; wherein the means for prefetching pre-fetches the information associated with the Internet website into a cache accessible by an Internet service provider of the user (see col.41 line 17 to col.42 line 59, col.57 line 8 to col.58 line 54 and col.60 lines 13-61).

As to claims 32-34, Herz discloses recommending an internet website to an internet subscriber that a common neighbor of the internet subscriber has previously visited, recommending a business service corresponding to an internet web site visited by a common neighbor of the internet subscriber and associated with phone service subscribers and the activities are associated with phone calls (Internet Calls) (see col.74 line 12 to col.75 line 55 and col.77 line 3 to col.78 line 57).

As to claims 35 and 36, Herz discloses recommending to the user a phone service subscribed to by a common neighbor of the user, wherein the phone service is selected from the group consisting of: a long-distance calling plan, a local-area calling plan, a cellular calling plan, voice mail, call waiting, call forwarding, internet service, a pager calling plan, call waiting plan and caller ID plan (see col.74 line 12 to col.75 line 55 and col.77 line 3 to col.78 line 57).

As to claims 37-39, Herz discloses recommending a business service to the user based on at least one phone call placed by a common neighbor of the user to a phone number associated with the business service, providing the user the phone number of the recommended business service and providing to a business service called by one user of the common neighborhood of users contact information associated with another user of the common neighborhood of users (see col.74 line 12 to col.75 line 55 and col.77 line 3 to col.78 line 57).

As to claims 40-42, Herz discloses that the users are associated with customers and the activities are associated with a plurality of goods or services consumed by the customers, wherein the common neighborhood of users defines a market segment and monitoring the communications of a common neighbor of the user; and means for recommending a business service to the user based on the communications of a common neighbor (see col.74 line 12 to col.75 line 55 and col.77 line 3 to col.78 line 57).

As to claims 43 and 44, Herz discloses monitoring the activities of the users; and means for storing the information corresponding to the activities in a memory medium and updating the information corresponding to the activities in the memory medium (see col.41 line 17 to col.42 line 59, col.57 line 8 to col.58 line 54 and col.60 lines 13-61).

Claims 47-50 are rejected for the same reasons set forth in claims 21-24 respectively.

Claims 53 and 54 are rejected for the same reasons set forth in claims 21 and 27 respectively.

Allowable Subject Matter

4. Claims 19, 20, 25, 26, 45, 46, 51 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: None of the cited prior art discloses or suggest a method and system for making predictions based on the interests or characteristics of the users sharing common profiles comprising a combination of: the common neighborhood is determined by:

creating a set H of triples (b,c,v) where b, c, and v are vertices, sampling randomly a subset of H of a specified size into a set H and creating a set C of points (a,b) that are a projection of a first two vertices of each triple in set H.

calculating a number of occurrences, $N(a,b)$, for each pair of vertices within the set C; and sorting the C nondecreasingly by $N(a,b)$, wherein the set C of points (a,b) represents the

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users in a common neighborhood, and the set E of edges represents the activities of the users within the common neighborhood.

creating an adjacency list E and calculating a number of arcs connected to each vertex in a set V of vertices; then calculating a prefix sum of a number of pairs of incident arcs N(a) for each node a up to and including a; generating random numbers uniformly from a set [1 ..N].

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Chow et al, US pat. no.6,029,175.
- b. Miller et al, US pat. No.5,842,199.
- c. Herz, US pat. No.6,029,195.
- d. Herz, US pat. No.5,754,938.

Conclusion

7. Claims 1-18, 21-24, 27-44, 47-50, 53 and 54 are rejected.

8. Claims 19, 20, 25, 26, 45, 46, 51 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is 703-308-8528. The examiner can normally be reached on 8:00 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain can be reached on 703-308-6662. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5510 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

Khanh Dinh

Examiner

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August 24, 2003


HOSAIN T. ALAM
PRIMARY EXAMINER